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***Exhibit A***

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U.S. Department of Justice

United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

October 3, 2016

By Email  
Sabrina Shroff  
Daniel Habib  
Annalisa Miron  
Federal Defenders of New York  
52 Duane Street, 10<sup>th</sup> Floor  
New York, NY 10007

Re: United States v. Ahmed Mohammed El Gammal, a/k/a "Jammie Gammal," 15 Cr. 588 (ER)

Dear Counsel:

This letter provides discovery, pursuant to Rule 16(a) of the Federal Rules of Criminal Procedure and seeks reciprocal discovery. All of the information and materials enclosed with this letter are being produced to you pursuant to the Stipulated Protective Order governing discovery issued by the Court in this case on September 16, 2015.

**Disclosure by the Government**

Pursuant to Rule 16(a)(1)(G) of the Federal Rules of Criminal Procedure, the Government hereby provides the following information regarding anticipated expert witness testimony.

**I. Militant Jihadist Groups**

The Government intends to call Aaron Y. Zelin as an expert witness in militant jihadist groups, including the Islamic State of Iraq and the Levant ("ISIL"). Mr. Zelin was previously qualified as an expert on militant jihadist groups in *United States v. Pugh*, 15 Cr. 116 (NGG) (E.D.N.Y. 2016). We are attaching the transcript of Mr. Zelin's testimony from the *Pugh* case.

Mr. Zelin is the Richard Borow Fellow at the Washington Institute for Near East Policy, holds a Master's degree in Islamic and Middle Eastern Studies from Brandeis University, and is a Ph.D candidate at King's College of London and a fellow at its associated International Centre for the Study of Radicalisation and Political Violence. Mr. Zelin's research focuses on how jihadist groups are adjusting to the new political environment in the era of Arab uprisings and

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Salafi politics in countries transitioning to democracy. The Government encloses a copy of Mr. Zelin's curriculum vitae.

Mr. Zelin will be called to testify as an expert in the global jihadist movement and the designated foreign terrorist organization, ISIL. In particular, he is expected to testify about ISIL's history, structure, strategic goals, geographic location, and methods and means, including current and historical sources and influences on ISIL's ideology; territories controlled by ISIL in 2014-15; key events in ISIL's history, particularly events occurring in 2014-15; recruitment of new ISIL members and facilitation of their travel; training and indoctrination that ISIL provides to new members; ISIL's use of the Internet as a recruitment tool; ISIL's methods for notifying next-of-kin that an ISIL member has been killed; and ISIL's use of the Turkish border with Syria as an entry point for foreign recruits.

In addition, Mr. Zelin will further opine about the meaning of certain jargon used by the defendant and his co-conspirators or jargon that appears in the materials on social media accounts used by the defendant and/or his co-conspirators, including the terms "daesh," "the State," "caliphate," "Sham," and "mujahedeen."

Finally, Mr. Zelin may be asked to testify about certain physical evidence the Government will offer at trial, including videos from the defendant's laptop, and to explain the significance of those materials and the phrases, images, and symbols contained therein. These materials reference words, concepts, individuals, and places that are well-known to students of global jihad and terrorism but are unfamiliar to ordinary people. Mr. Zelin's experience in this field and his academic writings on these subjects, as extensively detailed in his curriculum vitae, will serve as the bases for his testimony and opinions.

## **II. Analysis of Electronic Devices**

We also expect to elicit testimony from the witnesses listed below regarding forensic analysis of electronic devices, including computers, cellphones, and hard drives, that were searched in connection with this investigation:

- FBI Computer Forensic Examiner Craig M. Roth
- FBI Senior Digital Forensic Examiner Mary F. Horvath

Resumes for these witnesses are attached.

## **III. Historical Cellsite**

We also expect to call FBI Special Agent and Cellular Analysis Survey Team ("CAST") member Eric Perry as an expert witness on the collection, review, and analysis of historical cellsite data. Special Agent Perry is currently assigned to the FBI New York City Office's Violent Crime squad, which is responsible for investigating various crimes, including robberies, serial killings, kidnappings, and fugitive cases. In that capacity, Special Agent Perry conducts daily cellular phone-based analysis for federal, state, and local law enforcement jurisdictions around the United

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States. Prior to his assignment in New York, Special Agent Perry was assigned to the FBI's Rocky Mountain Safe Streets Task Force in Denver, Colorado, where he investigated violent crimes and conducted similar analysis.

Special Agent Perry will be asked to testify concerning, among other things, cellular location data obtained for the time period in October 2014 when the defendant is alleged to have traveled to New York to meet with an individual identified in the Indictment as co-conspirator ("CC-1"). Special Agent Perry will be asked to testify concerning data and demonstratives reflecting the locations and call activity of cellular phones used by the defendant and CC-1 during this time period. Special Agent Perry's resume is attached.

#### **IV. Arabic Language**

In addition, we expect to elicit testimony from Laila Sabara regarding English translations of certain Arabic-language materials, including electronic communications, social media content, documents, e-mails, and recordings, as well as certain aspects of Arabic vernacular, slang terminology, and idioms used in those materials. A copy of Ms. Sabara's resume is attached.

#### **Disclosure by the Defendant**

In light of your request for the foregoing discovery, the Government reiterates its prior requests for reciprocal discovery under Rule 16(b) of the Federal Rules of Criminal Procedure and for notice under Rules 12.1 and 12.2. Specifically, the Government requests that you

- Allow inspection and copying of: (1) any books, or copies or portions thereof, which are in the defendant's possession, custody or control, and which the defendant intends to introduce as evidence or otherwise rely on at trial; and (2) any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, which are in the defendant's possession or control, and which the defendant intends to introduce as evidence or otherwise rely on at trial or which were prepared by a witness whom the defendant intends to call at trial.
- Disclose prior statements of witnesses he will call to testify. *See* Fed. R. Crim. P. 26.2; *United States v. Nobles*, 422 U.S. 225 (1975). We request that such material be provided on the same basis upon which we agree to supply the defendant with 3500 material relating to Government witnesses.
- Pursuant to Rule 16(b)(1)(C), the Government also requests notice regarding any expert witness that the defendant intends to rely upon, including a written summary of any testimony that the defendant intends to elicit under Rules 702, 703, or 705 of the Federal Rules of Evidence. Any such summary should include the witness's opinions, the bases and reasons for those opinions, and the witness's qualifications.

By: /S/  
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**U.S. Department of Justice**

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October 17, 2016

By Email

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**Re: United States v. Ahmed Mohammed El Gammal, a/k/a "Jammie Gammal," 15 Cr. 588 (ER)**

Dear Counsel:

Pursuant to Rule 16(a)(1)(G) of the Federal Rules of Criminal Procedure, we hereby supplement our October 3, 2016 disclosure with respect to Aaron Y. Zelin. We anticipate that, in addition to the topics and opinions disclosed previously, Mr. Zelin will testify about the following:

- As a result of the protests that took place through the Middle East in the early 2011, the sitting government in Egypt was overthrown.
- Later a new government was elected. The president in the new government was Mohammed Morsi, a member of the Muslim Brotherhood.
- In 2013, Morsi's government was overthrown. Supporters of the Muslim Brotherhood rallied in place in Cairo known as Rabba Square. On August 14, 2013, the Egyptian military attacked the protestors, killing approximately 800 people.

Sincerely,

PREET BHARARA  
United States Attorney

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